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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			WEINTROP, ADAM S	
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SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	10/645,224	CHRISTIAN ET AL.
	Examiner	Art Unit
	Adam S. Weintrop	2112

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. **Claims 1-8, and 18-23** are objected to because of the following informalities:

For claim 1, the phrase “a link identifier” in line 8 has already been defined in line 7; therefore it does not need a definition. Replacing the phrase with –said link identifier—would alleviate the problem. In line 15, the phrase “a selectable link” has already been defined in line 5, therefore it needs to be replaced by –said selectable link-

For claim 7, on line 14, the phrase “a web page” has already been defined in claim 1, therefore the phrase needs to be replaced by –said web page—to establish antecedent basis.

For claim 8, in line 18 the phrase “a link identifier” has already been defined in claim 1, therefore it needs to be replaced by –said link identifier—to establish antecedent basis.

For claim 18, in lines 22-23, the phrase “a selectable link” is assumed to refer to the “modified selectable link” of line 20. Replacing the phrase with –said modified selectable links” is required to establish antecedent basis. On line 24, the phrase “a tracking system” has already been defined in line 17. Replacing the term with –said tracking system—would alleviate the problem.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-17** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 1, the phrase “the links” in line 6 lacks antecedent basis having not been defined already in the claim. It is unclear as to which set of links the applicant is referring to. On line 8, the phrase “each link” lacks antecedent basis having not been defined yet in the claim. It is unclear as to which link the applicant is referring to. Also in lines 11-12, the phrase “a link” is unclear as to what type of link structure applicant is referring to.

For claim 9, the phase “at least one web page” in lines 21-22 is indefinite because it only limits a minimum amount of web pages and is an indefinite phrase from not setting an upper limit on the web pages.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed towards non-statutory subject matter.

For claim 9, it describes a system that initiates a tracking module from a link that has been selected on a web page. The tracking module code was inserted into a web page that contained selectable links. These acts do not interact with the real world and do not provide for real world results. It merely describes a software process running. This claim does not meet the utility requirement of 35 U.S.C. 101.

Claims 10-17 are dependant on claim 9 and are rejected for the reason described above, as they do not add any tangible, real world result to the claim.

Claims 18-26 are drawn towards non-statutory subject matter because they include the limitation of using a computer-readable medium to perform the applicant's invention. Computer-readable medium, according to the applicant's specification on page 19, lines 11-25 and on page 20, lines 1-6, can be computer storage media or communications media, with the latter comprising of wireless media. Waves and signals as being part of wireless media are not patent eligible subject matter and do not fall within a statutory category of invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 4-6, 8-9, 12-14, 18-19, and 22-23 are rejected under 35 U.S.C. 102(e)**
as being anticipated by Ehrich et al. (US 2004/0215715 A1).

For **claim 1**, the claim includes a method with the limitations of receiving a web page with links request, inspecting the links on the page for link identifiers, having the links with link identifiers replaced by modified links for tracking purposes, inserting code into the web page that tracks where the user clicks, sending the page and program to the client computer for the user to see, and, once a link is selected, executing the code to store information regarding the selection in a log. Ehrich anticipates the applicant's invention in Figure 6 and Figure 3. Figure 6 clearly shows the method described above starting at the Receive Page Request 625. The Receive Page Request 625 waits for a web page request from a Client 600. Once a page request happens, the server responds at Retrieve Page and Program 630, which accesses Page and Program Store 632. This Page and Program Store uses the method described in Figure 3, where the Page Store 315 is created by inspecting links that include link identifiers identified by a Developer 325 at steps Identify Area of First Region 320 and Select Ending Location of Identified Region 350. The Insert Tag 340 and 360 create replacement areas equivalent to the modified links of the claim because an area can be just a selectable link as noted in page 3, section 0042, lines 5-8. The page with modified links is stored in Page Store 315 for access by the client in the method of Figure 6. The Page and Program which tracks the user's activity are then sent to the client at Receive Page and

Program 645 in Figure 6. The client loads the page and program at Display Page and Load Program 650, while the selected links are sent and logged at Data Collection 665 and Data Reception 670. This process anticipates the applicant's method in claim 1.

For **claim 4**, the applicant adds the limitation of using container identifiers in addition to using tracking identifiers. Ehrich discloses in his tracking system that any region of a web page can be tracked, including individual links and large areas in page 3, section 0042, lines 1-8. These regions are marked by container identifiers; which can be included with tracking identifiers as shown in figure 4, where the container identifiers are the region tags, in this case the "<TD>" and "</TD>" tags and the tracking identifiers are the entire tag including the individual ID tags in the "ID=" section. These structures are equivalent to using container identifiers in tracking identifiers, where a container is just an area that contains related links.

For **claim 5**, the applicant adds the limitation of using the tracking identifier to monitor the index of a link inside a container identified to be tracked. Ehrich discloses that a developer can set his region to be identified to be any area in a webpage, including individual areas or links as described in page 3, section 0042, lines 1-8. These regions can be identified and can include individual tags or indices to identify which link in a container area is to be tracked. In Figure 3, the Developer 325 can choose the area to be tracked in Select Starting Location of Identified Region 330 and Select Ending Location of Identified Region 350, and these regions can inherently include nested regions using standard HTML code provided in Figure 4, where a region could be included in another region. These nested regions provide for tracking of links

in an already tracked container area if configures this way. This is equivalent to including a link index along with the tracked container area required by applicant's claim 5.

For **claim 6**, the claim requires the web page to be viewable before proceeding with the tracking code. Erich discloses on Figure 6 the steps of Displaying Page and Load Program 650 on the client side. The tracking function cannot proceed without the page displaying, where this restriction is equivalent to not performing a tracking function if the web page is not viewable as required by applicant's claim 6.

For **claim 8**, the claim adds the limitation of not performing the tracking process if no links are set to be tracked. This limitation equates to the original web page developer not including any link identifiers to set links up for the tracking system to process. In Ehrich, he discloses in Figure 3 that if the developer does not add any regions to be tracked, the web page code would be the same as before the configuration program started since the tagging process would not modify the original code. Then in Figure 6, when the server retrieves the page from the Page and Program Store 632, it would be the same as if not modified by the developer. The client would treat the page as if the tracking program were not in place as there would be no user event to track. This effectively stops the tracking program from proceeding and is an equivalent process step in applicant's claim 8.

For **claim 9**, the claim includes a system with the structures of web content with selectable links, a module that replaces the links that include link identifiers with modified links and code inserted in the web page that track when the user clicks on a

modified link and is executed on a user event. Ehrich anticipates the applicant's invention as described in page 2, section 0028, lines 1-16, where he discloses a web page which is divided into user activated regions or links, a collector program which is transmitted with the web page, and the loading of the collector program at the same time the web page loads in order to track user events. The module that replaces links tagged with link identifiers with modified links is disclosed in Figure 3 with the process of Page Region Configuration 300. This process is where the Page Store 315 is created by inspecting links that include link identifiers identified by a Developer 325 at steps Identify Area of First Region 320 and Select Ending Location of Identified Region 350. The Insert Tag 340 and 360 create replacement areas equivalent to the modified links and because an area can be just a selectable link as noted in page 3, section 0042, lines 5-8, the page with modified links is stored in Page Store 315 for access by the client. This entire system is an equivalent to applicant's system in claim 9.

For **claim 12**, the claim adds the limitation of not performing the tracking process if no links have link identifiers. This limitation equates to the original web page developer not including any link identifiers to set links up for the tracking system to process. In Ehrich, he discloses in Figure 3 that if the developer does not add any regions to be tracked, the web page code would be the same as before the configuration program started because the tagging process would not change anything. Then in Figure 6, when the server retrieves the page from the Page and Program Store 632, it would be the same as if not modified by the developer. The client would treat the page as if the tracking program were not in place as there would be no user event to

track. This effectively stops the tracking program from proceeding and is an equivalent process step in applicant's claim 12.

For **claim 13**, the applicant adds the limitation of using container identifiers in addition to using link identifiers. Ehrich discloses in his tracking system that any region of a web page can be tracked, including individual links and large areas in page 3, section 0042, lines 1-8. These regions are marked by container identifiers, which can be included with link identifiers as shown in Figure 4, where the container identifiers are the region tags, in this case the "<TD>" and "</TD>" tags and the link identifiers are the individual ID tags in the "ID=" section. These structures are equivalent to using container identifiers and link identifiers, where a container is just an area that contains related links.

For **claim 14**, the limitation of including the original link identifier along with the tracking identifier is disclosed in Ehrich as well. The link identifier is the original code used by the developer to set the link to be tracked. The tracking identifier is the new code after the processing of the web page has happened to include the code to communicate with the tracking program. In Figure 3 of Ehrich, the developer selects a region to be tracked at Identify Area of First Region 320 and Select Ending Location of Identified Region 250. These choices are the link identifiers since a region can be a single link as noted in page 3, section 0042, and lines 5-8. The Insert Tag 340 and 360 steps are what are recorded with the final processing of the page and Figure 4 shows the final code the web page consists of. Region identifiers are the new container-type identifiers "<TD> </TD>" brackets which are equivalent to the link identifiers the

developer set to be added to the page. The tracking identifier is the entire modified link or area which includes the link identifier and the "ID" and event handler code. This code segment is the modified link or tracking identifier and it includes the link identifier being only the start and end tags that define the region to be tracked. This entire string or code is equivalent to the applicant's claim 14.

For claim 18, the claim includes a medium, that when executed, perform a method with the limitations of replacing links in a web page with modified links that include a tracking identifier, inserting code into the web page that executes for the purpose of tracking when the user clicks on a modified link, and sending the page and program to the client computer for the user to see. Once a link is selected, the code executes and stores information regarding the selection in a log. Ehrich anticipates the applicant's invention in Figure 6 and Figure 3. Figure 6 clearly shows the method described above starting at the Receive Page Request 625. The Receive Page Request 625 waits for a web page request from a Client 600. Once a page request happens, the server responds at Retrieve Page and Program 630, which accesses Page and Program Store 632. This Page and Program Store uses the method described in Figure 3, where the Page Store 315 is created by inspecting links that include link identifiers identified by a Developer 325 at steps Identify Area of First Region 320 and Select Ending Location of Identified Region 350. The Insert Tag 340 and 360 create replacement areas equivalent to the modified links of the claim because an area can be just a selectable link as noted in page 3, section 0042, lines 5-8. The page with modified links is stored in Page Store 315 for access by the client in the

process of Figure 6. The Page and Program which tracks the user's activity are then sent to the client at Receive Page and Program 645 in Figure 6. The client loads the page at Display Page and Load Program 650, while the selected links are sent and logged at Data Collection 665 and Data Reception 670. This process anticipates claim 18.

For claim 19, the claim adds the limitation of replacing the links that include link identifiers. This limitation is anticipated by Ehrich as well, as he discloses that the links modified by the processing operation are identified first as any region of the page, including individual links in page 3, section 0042, lines 5-8, and those regions have tags as seen in Figure 3 where the tagging operation is processed by the developer choosing what links to track. This tagging places identifiers on the regions or links the developer wants tracked, and is equivalent to using link identifiers.

For claim 22, the applicant adds the limitation of using container identifiers in addition to using tracking identifiers. Ehrich discloses in his tracking system that any region of a web page can be tracked, including individual links and large areas in page 3, section 0042, lines 1-8. These regions are marked by container identifiers, which can be included with tracking identifiers as shown in Figure 4, where the container identifiers are the region tags, in this case the "<TD>" and "</TD>" tags and the tracking identifiers are the entire tag including the individual ID tags in the "ID=" section. These structures are equivalent to using container identifiers within tracking identifiers, where a container is just an area that contains related links.

For claim 23, the applicant adds the limitation of using the tracking identifier to monitor the index of a link inside a container identified to be tracked. Ehrich discloses that a developer can set his region to be identified to be any area in a webpage, including individual areas or links as described in page 3, section 0042, lines 1-8. These regions can be identified and can include individual tags or indices to identify which link in a container area is to be tracked. In Figure 3, the Developer 325 can choose the area to be tracked in Select Starting Location of Identified Region 330 and Select Ending Location of Identified Region 350, and these regions can inherently include nested regions using standard HTML code provided in Figure 4, where a region could be included in another region. These nested regions provide for tracking of links in an already tracked container area if configured this way. This is equivalent to including a link index along with the tracked container area required by applicant's claim 23.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 2-3, 7, 10-11, 15, 20-21, 25, and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich et al. (US 2004/0215715 A1) in view of Johnson et al. (US 2002/0165955 A1).

For **claims 2, 10, and 20**, Ehrich discloses all of the limitations as described above except for using an area identifier with the link identifier that the original selectable link has. The general concept of adding area identifiers to link identifiers for purposes of tracking selectable links and the area where they are located on a page is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include the use of area identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users.

For **claims 3, 11, and 21**, Ehrich discloses all of the limitations as described above except for using a link type identifier with the link identifier that the original selectable link has. The general concept of adding link type identifiers to link identifiers for purposes of tracking selectable links and the type of links they are is well known in the art as illustrated by Johnson, where in his tracking system, he uses an type identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-14, where he uses a type identifier in his tracking system that identifies if it's a graphic link, or a navigation link, etc. It would have been obvious

to one of ordinary skill in the art at the time of invention to modify Ehrich to include the use of link type identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users.

For **claim 7**, Ehrich discloses all of the limitations as described above except for using the web page information and the area information along with the selectable link. The general concept of adding area information and web page information for purposes of tracking selectable links is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier and a content identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system to track specific areas where links are located and on page 3, section 0040, lines 1-4, where he uses the URL itself as information to pass along to the tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include the use of area information and web page information as taught by Johnson in order to add more detail to the tracking system to provide better content to their users.

For **claim 15**, Ehrich discloses all of the limitations as described above except for using a tracking identifier that includes a modified link identifier that is different from the original link identifier. The general concept of using a modified link identifier with a tracking identifier is illustrated by Johnson in page 3, section 0041, lines 4-6, where his description includes the idea that a tracking identifier (his complete URL string as seen in page 3, section 0035), can include any part of the original link identifier (any one of the tracking identifiers listed in sections 0037-0040). It would have been obvious to one

of ordinary skill in the art at the time of invention to modify Ehrich to include a modified link identifier in the tracking identifier as illustrated by Johnson in order to only track what is necessary to log, thus improving the speed of the tracking system.

For **claim 25**, Ehrich discloses all of the limitations as described above except for using location information with the tracking system that can identify where the link was in relation to the rest of the page. The general concept of adding location information to trackable links for purposes of tracking is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include the use of area identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users.

For **claim 26**, Ehrich discloses all of the limitations as described above except for including page view information along with the rest of the tracking information. The general concept of using page view information is well known in the art as illustrated by Johnson, who describes on page 4, section 0051, lines 1-6, that his record for tracking web pages is a page view record, which includes all of the future described page view parameters in sections 0052-0053. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include the information regarding page view and the parameters associated with the page view in order to make a

complete log of the web page tracking parameters to allow for better feedback to system administrators in the tracking system.

9. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich et al. (US 2004/0215715 A1) in view of Garg et al. (US 2003/0177226 A1).

For **claim 24**, Ehrich discloses all of the limitations as described above except for including the identity of a web page in the tracking information. The general concept of using the web page's identity for tracking web sites is well known in the art as illustrated by Garg, who discloses a similar tracking system that returns indicators to the server once the client loads a web page. On page 2, section 0020, lines 1-5, he describes that the indicator includes the URL of the web page for tracking purposes. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ehrich to include the use of returning the URL or identity of a web page being tracked as taught by Garg in order to provide a more detailed log of the web page tracking system to enhance the tracking system's organization.

10. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich et al. (US 2004/0215715 A1) in view of Mogul.

For **claim 16**, Ehrich discloses all of the limitations described above except for testing the connection with the server and not performing the tracking operation if the server times out. The general concept of using time outs to test server connections in order to perform data transactions is well known in the art as illustrated by Mogul. On page 301, second column, 2nd paragraph of Mogul, he notes that servers may have to close connections to maintain resources for new requests, and in the 3rd paragraph, the

server could close the connection based on a request not yet received. This could be from any sort of connection problem that creates a request that is not acted upon. It would be obvious to one of ordinary skill in the art at the time of invention to modify Ehrich to include server timeout connection test as taught by Mogul in order to increase the user's web page loading speed and efficiency, seeing that waiting for a server for too long would create undesirable lag.

11. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrich et al. (US 2004/0215715 A1) and Mogul.

For **claim 17**, the combination of Ehrich and Mogul disclose all of the limitations as described above except for using exactly 1.5 seconds for a time out period. Regarding using a specific time period as recited in claim 17, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ehrich and Mogul to include the use of a specific timeout, as setting a timeout period is a common and everyday occurrence throughout the networking art and the specific use of 1.5 seconds would have been an obvious matter of design preference depending upon such factors as server and client locations and server and client execution speed. The ordinarily skilled artisan would choose the best timeout that would most optimize the performance of the device based upon the above noted common design criteria in the application at hand.

12. **Claims 1, 6, 8-9, 12, 14, 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952).

For **claim 1, 6 and 8**, Lorenz discloses the steps of receiving a request from a client to view a web page that has selectable links, inspecting each of the selectable links to determine if they have a link identifier, replacing each link identified with a modified link, confirming the page is viewable before proceeding with the tracking function as required by claim 6, and terminating the processing if the links do not contain link identifiers as required by claim 8. In Lorenz, a selectable link is equivalent to a loaded link and the link identifiers are the loaded link parameters. In page 3, section 0026, lines 1-11, he describes that a document can be prepared with loaded links and in page 3, section 0027, lines 7-10, the loaded links contain link parameters. Activating a loaded link sends a request to a server called an APT server which inspects the loaded links to see if they contain link identifiers (loaded link parameters, or transaction parameters) in page 4, section 0039, lines 1-4. The APT server then runs an Agenda Script in response to the loaded link parameter settings in page 4, section 0047, lines 1-4. This Agenda Script can have many functions, one being a process called link loading, where, in page 5, section 0067, lines 1-9, a substitution routine can run on any document and replace the loaded links or any other links with new transaction parameters for the purpose of tracking the URL's embedded in the loaded links (page 5, section 0064, lines 1-3). This Agenda Script is equivalent to replacing each link identified as containing a link identifier with a modified link that contains a tracking identifier in applicant's claim 1. In page 5, section 0070, lines 1-3, Lorenz describes that if the client is served nothing, then the APT session is ended. This step is the same as confirming the web page is viewable before tracking it since with no web

page seen by the client, the tracking function clearly cannot begin to function. The link identifiers (transaction parameters) described above tell the APT server what script to operate in page 5, section 0072, lines 1-4. If there is no transaction parameter or link identifier, then the APT server will not run a script, and processing of tracking will cease. Lorenz does not disclose injecting client-side code for tracking the links, loading the web page at the client, monitoring for a selection, or recording the user events in a log file. The general concept of using these steps is well known in the art as illustrated by Davis. Davis describes inserting client-side tracking code in a web page in column 8, lines 6-9, and then running the code and monitoring the for a selection of a user event such as a link being selected in column 8, lines 12-20. The step of loading the web page for a user to view is inherent in Davis, as without loading the web page, the code would not be loaded, and a user would have no web page to act upon. Davis describes that once a user event such as a link is selected happens, a log is kept with information that pertains to that link in column 11, lines 13-16 and 22-24, and this information is stored in a database on a server. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz to include the client-side tracking code steps as taught by Davis in order to add a more efficient tracking system to increase server speed by loading code on the client and not the server.

For **claim 9, 12 and 14**, Lorenz discloses web content in the form of web pages, with a web page containing selectable links with link identifiers in page 3, section 0026, lines 1-11, where he describes a document with loaded links and in page 3, section 0027, lines 7-10, the loaded links contain link parameters. These loaded links are the

selectable links and the link parameters are the transaction parameters of page 4, section 0039, and lines 1-4. The link identifiers or transaction parameters set the link apart from other links for purposes of tracking. Lorenz also discloses the tracking module configured to replace selectable links with modified links with tracking identifiers in his APT server description. The APT server runs an Agenda Script in response to the loaded link parameter settings in page 4, section 0047, lines 1-4. This Agenda Script can have many functions, one being a process called Link Loading, where, in page 5, section 0067, lines 1-9, a substitution routine can run on any document and replace the loaded links or any other links with new transaction parameters for the purpose of tracking the URL's embedded in the loaded links (page 5, section 0064, lines 1-3). This Agenda Script is equivalent to replacing each link identified as containing a link identifier with a modified link that contains a tracking identifier in applicant's claim 1. Lorenz also discloses terminating the processing if the links do not contain link identifiers as required by claim 12. The link identifiers (transaction parameters) described above tell the APT server what script to operate in page 5, section 0072, lines 1-4. If there is no transaction parameter or link identifier, then the APT server will not run a script, and processing of tracking will cease. Lorenz further describes using a tracking identifier that includes the link identifier of the original link as required by claim 14. The tracking identifier is the output of a Link Loading Agenda Script as described above. These tracking identifiers substitute the links in a document with new parameters for the purposes of tracking. The old parameters, or the link identifiers, of the loaded link would still be present in the new tracking identifier, or substituted link, since the old parameters

enabled the Link Loading script to execute. This is described in page 5, section 0067, and lines 1-10. The new parameters make the link contain tracking identifiers, but the old parameters enable the link to be substituted, therefore the old link identifiers are included in the new tracking identifiers. Lorenz does not disclose injecting client-side code for tracking the links, or initiating a tracking event once a link is selected. The general concept of using these steps is well known in the art as illustrated by Davis. Davis describes inserting client-side tracking code in a web page in column 8, lines 6-9, and then running the code and monitoring the for a selection of a user event such as a link being selected in column 8, lines 12-20. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz to include the client-side tracking code steps as taught by Davis in order to add a more efficient tracking system to increase server speed by loading code on the client and not the server.

For **claims 18 and 19**, Lorenz discloses a medium with the executable steps of replacing each link identified in a web page with a modified tracking link and replacing links with link identifiers as required by claim 19. In Lorenz, a selectable link is equivalent to a loaded link and the link identifiers are the loaded link parameters. In page 3, section 0026, lines 1-11, he describes that a document can be prepared with loaded links and in page 3, section 0027, lines 7-10, the loaded links contain link parameters. Activating a loaded link sends a request to a server called an APT server which inspects the loaded links to see if they contain link identifiers (loaded link parameters, or transaction parameters) in page 4, section 0039, lines 1-4. The APT server then runs an Agenda Script in response to the loaded link parameter settings in

page 4, section 0047, lines 1-4. This Agenda Script can have many functions, one being a process called link loading, where, in page 5, section 0067, lines 1-9, a substitution routine can run on any document and replace the loaded links or any other links with new transaction parameters for the purpose of tracking the URL's embedded in the loaded links (page 5, section 0064, lines 1-3). This Agenda Script is equivalent to replacing each link identified as containing a link identifier with a modified link that contains a tracking identifier in applicant's claim 1. Lorenz does not disclose injecting client-side code for tracking the links, or recording the user events in a log file. The general concept of using these steps is well known in the art as illustrated by Davis. Davis describes inserting client-side tracking code in a web page in column 8, lines 6-9, and then running the code and monitoring the for a selection of a user event such as a link being selected in column 8, lines 12-20. Davis describes that once a user event such as a link is selected happens, a log is kept with information that pertains to that link in column 11, lines 13-16 and 22-24, and this information is stored in a database on a server. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz to include the client-side tracking code steps as taught by Davis in order to add a more efficient tracking system to increase server speed by loading code on the client and not the server.

13. **Claims 2-5, 7, 10-11, 13, 15, 20-23, and 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952) and further in view of Johnson (US 2002/0165955 A1).

For **claim 2, 10, and 20**, Lorenz and Davis disclose all of the limitations as described above except for using an area identifier with the link identifier that the original selectable link has. The general concept of adding area identifiers to link identifiers for purposes of tracking selectable links and the area where they are located on a page is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of area identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users.

For **claim 3, 11, and 21**, Lorenz and Davis disclose all of the limitations as described above except for using a link type identifier with the link identifier that the original selectable link has. The general concept of adding link type identifiers to link identifiers for purposes of tracking selectable links and the type of links they are is well known in the art as illustrated by Johnson, where in his tracking system, he uses an type identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-14, where he uses a type identifier in his tracking system that identifies if it's a graphic link, or a navigation link, etc. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of link type identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users.

For **claim 4, 5, 13, 22, and 23**, Lorenz and Davis disclose all of the limitations as described above except for using a container identifier with the tracking identifier with the modified link and using link indices as required by claims 5 and 23. The general concept of adding container identifiers to tracking identifiers and using link indices with them as required by claims 5 and 23 for purposes of tracking selectable links and the container where they are located on a page is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-11, where he uses an area identifier in his tracking system. An area identifier in the tracking identifier would produce the same tracking log as using an area identifier with a link identifier. Johnson's tracking structure is set to identify the individual links tracked. The last part of the identifier consists of "LL" which can be a link inside the "AA" area. The area can be a container full of links, and therefore the "LL" structure could provide for a link index if configured properly. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of area identifiers or container identifiers with link indices as taught by Johnson in order to add more detail to the tracking system to provide better content to their users.

For **claim 7**, Lorenz and Davis disclose all of the limitations as described above except for using the web page information and the area information along with the selectable link. The general concept of adding area information and web page information for purposes of tracking selectable links is well known in the art as illustrated

by Johnson, where in his tracking system, he uses an area identifier and a content identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system to track specific areas where links are located and on page 3, section 0040, lines 1-4, where he uses the URL itself as information to pass along to the tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of area information and web page information as taught by Johnson in order to add more detail to the tracking system to provide better content to their users.

For claim 15, Lorenz and Davis disclose all of the limitations as described above except for using a tracking identifier that includes a modified link identifier that is different from the original link identifier. The general concept of using a modified link identifier with a tracking identifier is illustrated by Johnson in page 3, section 0041, lines 4-6, where his description includes the idea that a tracking identifier (his complete URL string as seen in page 3, section 0035), can include any part of the original link identifier (any one of the tracking identifiers listed in sections 0037-0040). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include a modified link identifier in the tracking identifier as illustrated by Johnson in order to only track what is necessary to log, thus improving the speed of the tracking system.

For claim 25, Lorenz and Davis disclose all of the limitations as described above except for using location information with the tracking system that can identify where the

link was in relation to the rest of the page. The general concept of adding location information to trackable links for purposes of tracking is well known in the art as illustrated by Johnson, where in his tracking system, he uses an area identifier along with other parameters to effectively track the user's activity. This is described in page 3, section 0039, lines 4-10, where he uses an area identifier in his tracking system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the use of area identifiers as taught by Johnson in order to add more detail to the tracking system to provide better content to their users.

For **claim 26**, Lorenz and Davis disclose all of the limitations as described above except for including page view information along with the rest of the tracking information. The general concept of using page view information is well known in the art as illustrated by Johnson, who describes on page 4, section 0051, lines 1-6, that his record for tracking web pages is a page view record, which includes all of the future described page view parameters in sections 0052-0053. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include the information regarding page view and the parameters associated with the page view in order to make a complete log of the web page tracking parameters to allow for better feedback to system administrators in the tracking system.

14. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952) and further in view of Garg et al. (US 2003/0177226 A1).

For claim 24, Lorenz and Davis disclose all of the limitations as described above except for including the identity of a web page in the tracking information. The general concept of using the web page's identity for tracking web sites is well known in the art as illustrated by Garg, who discloses a similar tracking system that returns indicators to the server once the client loads a web page. On page 2, section 0020, lines 1-5, he describes that the indicator includes the URL of the web page for tracking purposes. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorenz and Davis to include the use of returning the URL or identity of a web page being tracked as taught by Garg in order to provide a more detailed log of the web page tracking system to enhance the tracking system's organization.

15. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952) and further in view of Mogul.

For claim 16, Lorenz and Davis disclose all of the limitations described above except for testing the connection with the server and not performing the tracking operation if the server times out. The general concept of using time outs to test server connections in order to perform data transactions is well known in the art as illustrated by Mogul. On page 301, second column, 2nd paragraph of Mogul, he notes that servers may have to close connections to maintain resources for new requests, and in the 3rd paragraph, the server could close the connection based on a request not yet received. This could be from any sort of connection problem that creates a request that is not acted upon. It would be obvious to one of ordinary skill in the art at the time of invention to modify Lorenz and Davis to include server timeout connection test as taught by

Mogul in order to increase the user's web page loading speed and efficiency, seeing that waiting for a server for too long would create undesirable lag.

16. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz (US 2002/0078191 A1) in view of Davis (US 5,796,952) and Mogul.

For **claim 17**, the combination of Lorenz, Davis, and Mogul disclose all of the limitations as described above except for using exactly 1.5 seconds for a time out period. Regarding using a specific time period as recited in claim 17, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorenz and Davis and Mogul to include the use of a specific timeout, as setting a timeout period is a common and everyday occurrence throughout the networking art and the specific use of 1.5 seconds would have been an obvious matter of design preference depending upon such factors as server and client locations and server and client execution speed. The ordinarily skilled artisan would choose the best timeout that would most optimize the performance of the device based upon the above noted common design criteria in the application at hand.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Decime (US 2003/0187976 A1) discloses a similar tracking system where web pages are intercepted and tags are added to the URL of the web site corresponding to the client.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam S. Weintrop whose telephone number is 571-270-1604. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AW

12/21/06

FRANTZ JULES
SUPERVISORY PATENT EXAMINER

